

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA

v.

JOSEPH VIJAY MILLS;
ABIGAIL RACHELLE MILLER; and
DONALD MORGAN DEWITT

SECOND
SUPERSEDING
INDICTMENT

Case No. 3:23-cr-00132

Violations: 18 U.S.C. §§ 922(g)(1), 922(j),
922(n), 924(a)(1)(D), 924(a)(2), 924(a)(8),
924(m), 933(a)(1), 933(a)(2), 933(a)(3), and
2

COUNT ONE

Possession of a Firearm by a Prohibited Person

The Grand Jury Charges:

On or about June 16 and 17, 2023, in the District of North Dakota, and elsewhere,

JOSEPH VIJAY MILLS,

knowing that he had been convicted of a crime punishable by imprisonment for a term
exceeding one year, that is:

1. Theft of Property (Possession), in violation of N.D.C.C. § 12.1-23-02(3), a Class C Felony; and Issuing Check or Draft Without Sufficient Funds or Credit, in violation of N.D.C.C. § 6-08-16, a Class C Felony, in District Court, County of Stutsman, State of North Dakota, Case Number: 47-2022-CR-00408, with the Judgment dated on or about February 21, 2023;
2. Felony Larceny, in violation of N.C. Gen. Stat. § 14-72(a), in Superior Court, County of Cabarrus, State of North Carolina, File Number: 13CRS055711, with the Judgment dated on or about February 11, 2015;
3. Aggravated Assault – Reckless, in violation of Tenn. Code § 39-13-102, in Criminal/Circuit Court, County of Sumner, State of Tennessee, Case Number: 403-2012, with the Judgment dated on or about May 15, 2015;

did knowingly possess a firearm, to wit:

1. a Hi-Point Firearms, Model 995, 9mm caliber rifle, Serial Number F251187;
2. a Smith and Wesson, Model M&P Shield, .40 caliber pistol, Serial Number HPB0170;
3. a Sig Sauer, Model P938, 9mm caliber pistol, Serial Number 52A0229112;
4. a Kimber, Model Ultra Carry II, .45 caliber pistol, Serial Number KU300857;
5. a Radical Firearms, Model RF-15, 5.56 caliber rifle, Serial Number 23-027966;
6. a SCCY, Model CPX-1, 9mm caliber pistol, Serial Number C327033;
7. a Sig Sauer, Model P365, 9mm caliber pistol, Serial Number 66B284561;
8. a Radikal, Model MKX3, 12-gauge shotgun, Serial Number AS-05575;
9. a Colt, Model M-4 Carbine, 5.56 caliber rifle, Serial Number CR056376;
10. a Colt, Model 1911, .45 caliber pistol, Serial Number W104707;
11. a Smith and Wesson, Model M&P 40, .40 caliber pistol, Serial Number HBC0145;
12. a Girsan, Model MC28SA, 9mm caliber pistol, Serial Number T6368-20AV09257;
13. a Walther Arms, Model PPS, 9mm caliber pistol, Serial Number AF0594;
14. a Springfield Armory, Model XDM 9, 9mm caliber pistol, Serial Number MG833171;
15. a Beretta, Model PX4 Storm, .40 caliber pistol, Serial Number PY131999;
16. a Springfield Armory, Model XD 40, .40 caliber pistol, Serial Number US237831;
17. a Sar Arms, Model SARB6P, 9mm caliber pistol, Serial Number 13G08087;
18. a Radical Firearms, Model RF-15, 5.56 caliber rifle, Serial Number 23-028172;
19. a Radical Firearms, Model RF-15, .223 caliber rifle, Serial Number 2-120443;

20. a Glock, Model 19x, 9mm caliber pistol, Serial Number BWZL904;
21. a Ruger, Model SR22PB, .22 caliber pistol, Serial Number 369-65805;
22. a Glock, Model 47, 9mm caliber pistol, Serial Number BZAU523;
23. a DPMS Panther Arms, Model DR-10, .308 caliber rifle, Serial Number DR10-002981;
24. a Colt, Model 1911 Government, .45 caliber pistol, Serial Number AAW090;
25. a Smith and Wesson, Model M&P Shield, 9mm caliber pistol, Serial Number JMH2087;
26. a Sig Sauer, Model P322C-BAS, .22 caliber pistol, Serial Number 73A068362;
27. a Kimber, Model Custom II Engraved, .45 caliber pistol, Serial Number K909820;
28. a Kimber, Model Custom II Engraved, .45 caliber pistol, Serial Number K911303;
29. a Kimber, Model Custom II Engraved, .45 caliber pistol, Serial Number K910574;
30. a Kimber, Model Micro 9 Rapide, 9mm caliber pistol, Serial Number TB0085014;
31. a Taurus, Model G2S, 9mm caliber pistol, Serial Number ADE326011;
32. a Taurus, Model G2S, 9mm caliber pistol, Serial Number ADE325918;
33. a Taurus, Model TX-22, .22 caliber pistol, Serial Number 1TJ022720;
34. a Trailblazer Firearms, Model Lifecard, .22 caliber pistol, Serial Number 42139;

said firearms having been shipped and transported in interstate and foreign commerce;

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT TWO

Theft of Firearms from a Licensed Dealer

The Grand Jury Further Charges:

On or about June 16 and 17, 2023, in the District of North Dakota, and elsewhere,

JOSEPH VIJAY MILLS

knowingly stole the following firearms from a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, that is, Jamestown Gun Shop, also known as Orr Auctioneers:

1. a Hi-Point Firearms, Model 995, 9mm caliber rifle, Serial Number F251187;
2. a Smith and Wesson, Model M&P Shield, .40 caliber pistol, Serial Number HPB0170;
3. a Sig Sauer, Model P938, 9mm caliber pistol, Serial Number 52A0229112;
4. a Kimber, Model Ultra Carry II, .45 caliber pistol, Serial Number KU300857;
5. a Radical Firearms, Model RF-15, 5.56 caliber rifle, Serial Number 23-027966;
6. a SCCY, Model CPX-1, 9mm caliber pistol, Serial Number C327033;
7. a Sig Sauer, Model P365, 9mm caliber pistol, Serial Number 66B284561;
8. a Radikal, Model MKX3, 12-gauge shotgun, Serial Number AS-05575;
9. a Colt, Model M-4 Carbine, 5.56 caliber rifle, Serial Number CR056376;
10. a Colt, Model 1911, .45 caliber pistol, Serial Number W104707;
11. a Smith and Wesson, Model M&P 40, .40 caliber pistol, Serial Number HBC0145;
12. a Girsan, Model MC28SA, 9mm caliber pistol, Serial Number T6368-20AV09257;

13. a Walther Arms, Model PPS, 9mm caliber pistol, Serial Number AF0594;
14. a Springfield Armory, Model XDM 9, 9mm caliber pistol, Serial Number MG833171;
15. a Beretta, Model PX4 Storm, .40 caliber pistol, Serial Number PY131999;
16. a Springfield Armory, Model XD 40, .40 caliber pistol, Serial Number US237831;
17. a Sar Arms, Model SARB6P, 9mm caliber pistol, Serial Number 13G08087;
18. a Radical Firearms, Model RF-15, 5.56 caliber rifle, Serial Number 23-028172;
19. a Radical Firearms, Model RF-15, .223 caliber rifle, Serial Number 2-120443;
20. a Glock, Model 19x, 9mm caliber pistol, Serial Number BWZL904;
21. a Ruger, Model SR22PB, .22 caliber pistol, Serial Number 369-65805;
22. a Glock, Model 47, 9mm caliber pistol, Serial Number BZAU523;
23. a DPMS Panther Arms, Model DR-10, .308 caliber rifle, Serial Number DR10-002981;
24. a Colt, Model 1911 Government, .45 caliber pistol, Serial Number AAW090;
25. a Smith and Wesson, Model M&P Shield, 9mm caliber pistol, Serial Number JMH2087;
26. a Sig Sauer, Model P322C-BAS, .22 caliber pistol, Serial Number 73A068362;
27. a Kimber, Model Custom II Engraved, .45 caliber pistol, Serial Number K909820;
28. a Kimber, Model Custom II Engraved, .45 caliber pistol, Serial Number K911303;
29. a Kimber, Model Custom II Engraved, .45 caliber pistol, Serial Number K910574;

30. a Kimber, Model Micro 9 Rapide, 9mm caliber pistol, Serial Number TB0085014;
31. a Taurus, Model G2S, 9mm caliber pistol, Serial Number ADE326011;
32. a Taurus, Model G2S, 9mm caliber pistol, Serial Number ADE325918;
33. a Taurus, Model TX-22, .22 caliber pistol, Serial Number 1TJ022720; and
34. a Trailblazer Firearms, Model Lifecard, .22 caliber pistol, Serial Number 42139;

with the intent to permanently deprive Jamestown Gun Shop, also known as Orr Auctioneers, of those firearms;

In violation of Title 18, United States Code, Section 924(m).

COUNT THREE

Possession of Stolen Firearms

The Grand Jury Further Charges:

On or about June 16 and 17, 2023, in the District of North Dakota, and elsewhere,

JOSEPH VIJAY MILLS and ABIGAIL RACHELLE MILLER

knowingly possessed stolen firearms, that is:

1. a Hi-Point Firearms, Model 995, 9mm caliber rifle, Serial Number F251187;
2. a Smith and Wesson, Model M&P Shield, .40 caliber pistol, Serial Number HPB0170;
3. a Sig Sauer, Model P938, 9mm caliber pistol, Serial Number 52A0229112;
4. a Kimber, Model Ultra Carry II, .45 caliber pistol, Serial Number KU300857;
5. a Radical Firearms, Model RF-15, 5.56 caliber rifle, Serial Number 23-027966;
6. a SCCY, Model CPX-1, 9mm caliber pistol, Serial Number C327033;
7. a Sig Sauer, Model P365, 9mm caliber pistol, Serial Number 66B284561;
8. a Radikal, Model MKX3, 12-gauge shotgun, Serial Number AS-05575;
9. a Colt, Model M-4 Carbine, 5.56 caliber rifle, Serial Number CR056376;
10. a Colt, Model 1911, .45 caliber pistol, Serial Number W104707;
11. a Smith and Wesson, Model M&P 40, .40 caliber pistol, Serial Number HBC0145;
12. a Girsan, Model MC28SA, 9mm caliber pistol, Serial Number T6368-20AV09257;
13. a Walther Arms, Model PPS, 9mm caliber pistol, Serial Number AF0594;
14. a Springfield Armory, Model XDM 9, 9mm caliber pistol, Serial Number MG833171;

15. a Beretta, Model PX4 Storm, .40 caliber pistol, Serial Number PY131999;
16. a Springfield Armory, Model XD 40, .40 caliber pistol, Serial Number US237831;
17. a Sar Arms, Model SARB6P, 9mm caliber pistol, Serial Number 13G08087;
18. a Radical Firearms, Model RF-15, 5.56 caliber rifle, Serial Number 23-028172;
19. a Radical Firearms, Model RF-15, .223 caliber rifle, Serial Number 2-120443;
20. a Glock, Model 19x, 9mm caliber pistol, Serial Number BWZL904;
21. a Ruger, Model SR22PB, .22 caliber pistol, Serial Number 369-65805;
22. a Glock, Model 47, 9mm caliber pistol, Serial Number BZAU523;
23. a DPMS Panther Arms, Model DR-10, .308 caliber rifle, Serial Number DR10-002981;
24. a Colt, Model 1911 Government, .45 caliber pistol, Serial Number AAW090;
25. a Smith and Wesson, Model M&P Shield, 9mm caliber pistol, Serial Number JMH2087;
26. a Sig Sauer, Model P322C-BAS, .22 caliber pistol, Serial Number 73A068362;
27. a Kimber, Model Custom II Engraved, .45 caliber pistol, Serial Number K909820;
28. a Kimber, Model Custom II Engraved, .45 caliber pistol, Serial Number K911303;
29. a Kimber, Model Custom II Engraved, .45 caliber pistol, Serial Number K910574;
30. a Kimber, Model Micro 9 Rapide, 9mm caliber pistol, Serial Number TB0085014;
31. a Taurus, Model G2S, 9mm caliber pistol, Serial Number ADE326011;

- 32. a Taurus, Model G2S, 9mm caliber pistol, Serial Number ADE325918;
- 33. a Taurus, Model TX-22, .22 caliber pistol, Serial Number 1TJ022720; and
- 34. a Trailblazer Firearms, Model Lifecard, .22 caliber pistol, Serial Number 42139;

which had been shipped and transported in interstate and foreign commerce, knowing and having reasonable cause to believe the firearms were stolen;

In violation of Title 18, United States Code, Sections 922(j), 924(a)(2), and 2.

COUNT FOUR

Illegal Transportation of Firearms by a Person Under Indictment

The Grand Jury Further Charges:

From on or about June 17, 2023, to June 20, 2023, in the District of North Dakota, and elsewhere,

ABIGAIL RACHELLE MILLER,

who was then under indictment for a crime punishable by imprisonment for a term exceeding one year, to wit:

Criminal Mischief – Willful – Tamper – Intentional \$2,000-\$10,000, a Class C Felony, in violation of N.D.C.C. § 12.1-21-05(1)(a); Unlawful Entry into a Vehicle – Commit Crime, a Class C Felony, in violation of N.D.C.C. § 12.1-22-04(1)(b); and Theft-Take-Credit Device, a Class C Felony, in violation of N.D.C.C. § 12.1-23-02(1), in District Court, County of Barnes, State of North Dakota, Case Number: 02-2023-cr-00175, with the Information filed on or about June 12, 2023

did willfully ship and transport in interstate commerce from North Dakota to Florida, firearms, said firearms having been shipped and transported in interstate commerce;

In violation of Title 18, United States Code, Sections 922(n), 924(a)(1)(D), and 2.

COUNT FIVE

Firearms Trafficking

The Grand Jury Further Charges:

From on or about June 17, 2023, to June 20, 2023, in the District of North Dakota, and elsewhere,

ABIGAIL RACHELLE MILLER

did knowingly conspire and agree with persons known and unknown to the grand jury to ship, transport, transfer, cause to be transported, and otherwise dispose of a firearm, to another, in and affecting interstate and foreign commerce, knowing and having reasonable cause to believe that the use, carrying, and possession of the firearm by the recipient would constitute a felony (as defined in section 932(a));

In violation of Title 18, United States Code, Sections 933(a)(1), 933(a)(3), and 2.

COUNT SIX

Firearms Trafficking

The Grand Jury Further Charges:

From on or about June 17, 2023, to June 20, 2023, in the District of North Dakota, and elsewhere,

DONALD MORGAN DEWITT

did knowingly conspire and agree with persons known and unknown to the grand jury to receive from another person, in or otherwise affecting interstate and foreign commerce, a firearm, knowing and having reasonable cause to believe that such receipt would constitute a felony;

In violation of Title 18, United States Code, Sections 933(a)(2), 933(a)(3), and 2.

COUNT SEVEN

Possession of Stolen Firearms

The Grand Jury Further Charges:

On or about June 20, 2023, in the District of North Dakota, and elsewhere,

DONALD MORGAN DEWITT

knowingly possessed stolen firearms, that is:

1. a Smith and Wesson, Model M&P 40, .40 caliber pistol, Serial Number HBC0145;
2. a Springfield Armory, Model XDM 9, 9mm caliber pistol, Serial Number MG833171;

which had been shipped and transported in interstate and foreign commerce, knowing and having reasonable cause to believe the firearms were stolen;

In violation of Title 18, United States Code, Sections 922(j), 924(a)(2), and 2.

A TRUE BILL:

/s/ Foreperson
Foreperson

/s/ Mac Schneider
MAC SCHNEIDER
United States Attorney

RML/alk